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OFFICE OF PETITIONS

In re Application of :
Alain Courtemanche :
Application No. 10/799,697 :
Filed: March 15, 2004 : DECISION ON PETITION
Attorney Docket No. 005170-0017 : UNDER 37 C.F.R. §1.181(A)
Title: LIQUID MANURE SPREADING :
TOOL BAR :

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on October 13, 2005.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Ex Parte Quayle Office action, mailed March 10, 2005, which set a shortened statutory period to reply for two months. No extensions of time under the provisions of 37 C.F.R. 1.136(a) were received. Accordingly, the above-identified application became abandoned on May 11, 2005. A Notice of abandonment was mailed on October 3, 2005.

With the present petition, Petitioner has asserted that the electronic file indicates that a response to this Office action was received in the Office on April 22, 2005. The electronic file has been reviewed, and it is clear that a response was indeed received on this date. Petitioner has also submitted a postcard receipt which evinces that a "letter dated 21 April 2005" was received in the Office on April 22, 2005.

Petitioner has further indicated that the submission and the postcard receipt each bears the wrong serial number - each contains the identifier 10/779,697.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response of April 22, 2005 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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